

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INCREDIBLY EDIBLE DELITES, INC.,
et al.

v.

EDIBLE ARRANGEMENTS, LLC, et al.

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CIVIL ACTION

No. 02-CV-4021

ORDER

AND NOW, this day of August, 2002, this action shall be transferred to the United States District Court for the District of Connecticut.

The settlement agreement¹ between the parties dated June 13, 2001, in a prior declaratory judgment action,² appears to reflect their intention to resolve future inter se disputes in the District of Connecticut. The present action for trademark infringement, false description or designation of origin, trademark dilution, and unfair competition involves issues of interpretation that, under the terms of the agreement, are properly resolvable in the original forum.³

Edmund V. Ludwig, J.

¹ The forum provision states: "The parties agree to be subject to the jurisdiction of this Court [U.S. Dist. Conn.] and subsequent interpretations and controversy shall be referred to this court as the agreed forum."

² As to non-infringement, invalidity and unenforceability of U.S. copyright and trade dress rights.

³ Although a formal motion was not filed, defendants raised the issue of venue in a conference call on July 16, 2002, and as directed, a joint submission was made on August 12, 2002.